



County of Los Angeles  
**CHIEF ADMINISTRATIVE OFFICE**

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012  
(213) 974-1101  
<http://cao.lacounty.gov>

DAVID E. JANSSEN  
Chief Administrative Officer

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March 6, 2007

To: Supervisor Zev Yaroslavsky, Chairman  
Supervisor Gloria Molina  
Supervisor Yvonne B. Burke  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

**SACRAMENTO UPDATE**

**Senate Budget Subcommittee #4 Hearing - Juvenile Justice Reform**

On Wednesday, February 28, 2007, Senate Budget Subcommittee #4 convened a hearing on the issue of the Governor's Proposal to transfer all female and non-violent male juvenile offenders from the State to Counties.

Senator Michael Machado, Chairman of the Subcommittee, took testimony from representatives of the Department of Finance, Division of Juvenile Justice of the Department of Corrections and Rehabilitation, the Legislative Analyst's Office (LAO), the Commonwealth Juvenile Justice Program, the California State Association of Counties (CSAC), and the Chief Probation Officers' Association of California.

Chairman Machado indicated his concern that the Administration's proposal lacked detail on a number of critical points including:

- Statutory language necessary to implement the proposal;
- Specific requirements to be placed on counties as a result of the transfer. At this time, it is not clear whether counties would be required to meet the requirements currently imposed upon the State under the settlement of the *Farrell* litigation which relates to the conditions of confinement and the quality of program services at State juvenile detention facilities;

- Specific information on the type of County costs that will be reimbursed;
- Long term commitments to support counties;
- Fiscal detail regarding the component costs of the proposal; and
- Revised detailed timeframe for the implementation of transfers of juvenile offenders. Currently, the State proposes to start shifting juvenile offenders to counties beginning July 2007. This would also include a schedule when first funding would be made available to counties. Under the timetable proposed by the Administration, counties would not have time to plan for the orderly transfer of juvenile offenders to their custody.

The Subcommittee was also concerned about the capacity of the State to administer such a complex program of juvenile offender transfers statewide all at once, and suggested that a pilot project would be a more appropriate intermediate plan.

The LAO testified that on a statewide basis there is a surplus of juvenile detention beds and recommends that the Legislature reject the Administration's plan to add 5,000 beds to be funded through local lease revenue bonds. Under the Administration's plan, the State would share in the cost of bond repayments with the appropriate local authority. The rejection of bond funding for capital improvements would make the implementation of the State plan in Los Angeles County difficult, as the County already has a number of critical facilities which will require substantial capital outlay for improvement.

CSAC representatives expressed a commitment to sit down with the Administration to make the Governor's plan work. They indicated that any plan would need to be operationally and fiscally feasible for counties in order to be successful. Representatives from the Chief Probation Officers' Association also expressed a willingness to meet with the Administration and the Legislature to work out the details, and conveyed that counties should not be fiscally burdened by the shift of the juveniles to County jurisdiction.

#### **Pursuit of County Position on Legislation**

**AB 81 (Torrico)**, as introduced on December 4, 2006, would: 1) raise the age at which a minor child can be surrendered from 72 hours old or younger, to 30 days; 2) allow cities to designate safe surrender sites; 3) designate fire stations with a paramedic or emergency medical technician on duty 24 hours per day as safe surrender sites; 4) specify that persons at a safe surrender site have no liability prior to taking physical custody of a child; 5) appropriate \$5.0 million to the California Department of Social Services to conduct a statewide awareness campaign to publicize the safe surrender program and establish a toll-free telephone number to provide information regarding safe surrender sites; and 6) allocate \$1.0 million in competitive grants to county social services agencies that conduct safe surrender outreach activities.

Each Supervisor

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AB 81 is similar to County-opposed AB 1873 (Torrico) of the prior legislative session, which was vetoed by the Governor on September 30, 2006. In the Governor's veto message, he expressed his concern that increasing the safe surrender time frame from 72-hours to 30-days would put "newborns in greater risk by keeping them in an unsafe environment without proper care and supervision."

Consistent with the County's opposition to AB 1873 last session, and existing policy to oppose proposals that would increase the time allowed to safely surrender an infant from 72 hours of age to 30 days and to continue to allow local boards of supervisors to designate safe surrender sites, **our Sacramento advocates will oppose AB 81, unless it is amended to delete that provision from the bill.**

There is no registered support or opposition yet. However, AB 1873 was supported by the California District Attorney's Association, California Medical Association, California Hospital Association, California Parent Teachers Association, California Chapter of the National Association of Social Workers, League of California Cities, American Academy of Pediatrics, Commission on the Status of Women, California State Firefighters Association, and Orange County Fire Authority. In addition, AB 1873 was opposed by the Los Angeles County Sheriff and District Attorney. The County Welfare Directors Association and the California State Association of Counties opposed AB 1873, unless amended, to allow parents to safely surrender infants up to seven days old. AB 81 is scheduled for hearing in the Assembly Safety Committee on March 13, 2007.

We will continue to keep you advised.

DEJ:GK

MAL:SK:VE:acn

c: All Department Heads  
Legislative Strategist  
Local 660  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities  
City Managers Associations  
Buddy Program Participants